

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Howard G. Jackson,

Civ. No. 17-5483 (JRT/BRT)

Plaintiff,

v.

ORDER

David Ossell, and Melissa Gunderson,

Defendants.

Howard G. Jackson, *pro se* Plaintiff.

Judith A. Hanson, Esq., Saint Paul City Attorney's Office, counsel for Defendant Ossell.

BECKY R. THORSON, United States Magistrate Judge.

This matter is before the Court on pro se Plaintiff's self-styled "Motions Judg[]ment and Pay" regarding Defendant Melissa Gunderson (Doc. No. 29), a "Motion[]" for "consent" (Doc. No. 30), and a "Motion to Consider more Evidence" (Doc. No. 45), filed in response to Defendant Ossell's Motion to Dismiss. Based on the file, record, and proceedings herein, the Court issues the following Order.

ORDER

IT IS HEREBY ORDERED that:

1. Plaintiff's "Motions Judg[]ment and Pay" and "Motion[]" for "consent" regarding Defendant Melissa Gunderson (Doc. Nos. 29 and 30) are **DENIED**. It appears that through these motions Plaintiff is seeking default judgment against Defendant

Melissa Gunderson for her failure to appear in response to Plaintiff's lawsuit. However, service of Plaintiff's Complaint and the Summons has yet to be executed on Defendant Gunderson. Instead, the Summons was returned unexecuted for Melissa Gunderson stating that Gunderson does not work at the address provided. (Doc. No. 38.)

2. The Court hereby provides Plaintiff an extension of **30 days** from the date of this Order both to complete a new Form USM-285 for Melissa Gunderson and to effect service on her. The Clerk's Office shall provide Plaintiff with a Form USM-285 to fill out and return. To ensure that Melissa Gunderson is properly served, the Court hereby orders the United States Marshals Service to serve Melissa Gunderson with a copy of the Summons, Complaint, and this Order. This service must fully comport with Rule 4 of the Federal Rules of Civil Procedure. The United States Marshals Service shall either personally serve Melissa Gunderson using the information Plaintiff provides on Form USM-285 or identify and serve an individual who is authorized to accept service on her behalf.

3. Because the Court separately recommends that Defendant's Motion to Dismiss be denied, the Court need not consider further evidence from Plaintiff for the purpose of making a recommendation on that motion. Therefore, Plaintiff's "Motion to Consider more Evidence" (Doc. No. 45) is **DENIED**.

Date: October 15, 2018

s/ Becky R. Thorson

BECKY R. THORSON
United States Magistrate Judge